

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CITY SELECT AUTO SALES, INC.,
a New Jersey corporation,
individually and as the
representative of a class of
similarly situated persons,

Plaintiff,

v.

DAVID/RANDALL ASSOCIATES, INC.
and RAYMOND MILEY, III,

Defendants.

HONORABLE JEROME B. SIMANDLE

Civil Action
No. 11-2658 (JBS/KMW)

ORDER AND JUDGMENT

This matter comes before the Court by way of Defendants' motion for decertification [Docket Item 133]; and by way of Plaintiff's motion for summary judgment [Docket Item 141]; and for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 27th day of March, 2015 hereby

ORDERED that Defendants' motion for decertification [Docket Item 133] shall be, and hereby is, **DENIED**; and it is further

ORDERED that Plaintiff's motion for summary judgment [Docket Item 141] shall be, and hereby is, **GRANTED** as to the Plaintiff's Class's claims under the TCPA as to Defendant David/Randall Associates, Inc., and **DENIED** as to Defendant Raymond Miley, III; and it is further

ORDERED that **JUDGMENT** shall be entered in favor of the Plaintiff Class and against Defendant David/Randall Associates, Inc. in the amount of \$22,405,000; and it is further

ORDERED that the Plaintiff Class consists of "[a]ll persons or entities, with whom David/Randall Associates did not have an established business relationship, who were successfully sent one or more unsolicited faxes during the period March 29, 2006, through May 16, 2006, stating, "ROOF LEAKS??? REPAIRS AVAILABLE Just give us a call and let our professional service technicians make the repairs!" and "CALL: David/Randall Associates, Inc. TODAY" to whom notice under Rule 23(c)(2) has previously been directed and who have not requested exclusion; and it is further

ORDERED that Class Counsel shall, within thirty (30) days hereof, propose a schedule for the remainder of the case, including whether the Plaintiff Class seeks certification of this Judgment as final as to David/Randall Associates, Inc., under Rule 54(b), Fed. R. Civ. P., whether notice of this judgment should be provided to the class members at this time under Rule 23(d)(1)(B), and other procedural matters.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge